

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

MARCUSS P. CHILDS,

Plaintiff,

-vs-

Case No. 11-C-0194

CARLO GAANAN,
TIMOTHY REICHENBERGER,
KAY RODGERS,
TERRY GAMBLE, and
JOHN DOE,

Defendants.

ORDER

The defendants filed a statement noting the death of plaintiff Marcuss P. Childs on April 9, 2013. They personally served the statement on the plaintiff's brother on June 1, 2013, as required by Federal Rule of Civil Procedure 25(a)(3). More than 90 days have passed, and no motion for substitution has been filed. Accordingly, this action must be dismissed. Fed. R. Civ. P. 25(a)(1).

IT IS THEREFORE ORDERED that this action is **dismissed with prejudice**.

IT IS FURTHER ORDERED that the Clerk of Court shall enter judgment accordingly.

Dated at Milwaukee, Wisconsin, this 3rd day of September, 2013.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge